

**REGULAR MEETING OF CITY COUNCIL
MARCH 4, 2008**

1:30 P.M.

PRESENT:	Jeff Brain Garrett Spradling Charles Gillingham Leon DeWeese Marvin Dickson	Mayor Council Member Council Member Council Member Council Member
STAFF:	Wanda Klause Eddie Edwards Larry Mullenix Jimmy Adams Bruce Roberts Glynn Carlock Bruce Lemery Daryl Fisher Robert Chapmon Henry Veach	City Manager Assistant City Manager Director of Planning & Zoning Chief of Police Captain Director of Finance Lieutenant Patrol Officer Patrol Officer Director of Public Works
VISITORS:	Jamie Allen Mike Blommaert John Curnutt David Hopson Robert Vinyard R.K. Mesneak	PRPC
NEWS MEDIA:	Michelle Berry	Borger News Herald

MINUTES APPROVED: Following review of the minutes of the regular meeting of February 19, 2008, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the minutes as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the last half of February were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Spradling, to approve payment of the expenditures for the last half of February as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

RACIAL PROFILING REPORT RECEIVED FROM CHIEF OF POLICE: Police Chief Jimmy Adams stated that the Racial Profiling Report was created in compliance with the Texas Racial Profiling Law (SB No. 1074), Art. 1.134, CCP. Chief Adams said that in the report the reader would encounter several sections which were designed to provide background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the policies adopted by the Borger Police Department prohibiting the practice of racial profiling among its officers, providing for a complaint system, and requiring the use of video or voice recordings on all traffic and pedestrian stops. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to receive the Racial Profiling Report. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

INTERLOCAL AGREEMENT FOR EMERGENCY 9-1-1 SERVICE & PSAP EQUIPMENT APPROVED: Chief of Police Jimmy Adams submitted an Interlocal Agreement for Emergency 9-1-1 Service & PSAP Equipment between the City of Borger and the Panhandle Regional Planning Commission for the consideration of the City Council. This agreement replaces the Interlocal Agreement entered into in 2000, and is necessary due to changes in state law that requires local PSAP's to provide adequate insurance coverage for the PSAP equipment. Following discussion, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to approve the Interlocal Agreement with the Panhandle Regional Planning Commission for emergency 9-1-1 service and PSAP equipment. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

ORDINANCE NO. O-003-08 APPROVED: Ordinance No. O-003-08 providing an ad valorem tax freeze on residential homesteads of the disabled and persons 65 years of age or older was submitted for final consideration of the Council. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Dickson, to approve the ordinance on final reading. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

A caption of the ordinance reads as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BORGER, TEXAS: PROVIDING A LIMITATION ON REAL
PROPERTY AD VALOREM TAXES ON RESIDENTIAL HOME-**

**STEADS OF PERSONS 65 YEARS OF AGE OR OLDER AND , OF
DISABLED PERSONS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEALER; PROVIDING FOR PUBLICATION
AND EFFECTIVE DATE**

AMENDMENT OF ORDER AND NOTICE FOR GENERAL CITY ELECTION

APPROVED: City Manager Wanda Klaus recommended an amendment to the order and notice for a general city election due to the resignation of Alternate Judge Brenda Jackson in County Voting Precincts 14 and 23, City Polling Place #3, Fairlanes Baptist Church. Klaus advised the Council that Juanita Dawson agreed to fill the position of Alternate Judge in this polling place if appointed. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Dickson, to amend the Order and Notice for a General City Election to reflect the appointment of Juanita Dawson as alternate judge in City Polling Place #3. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – REZONING APPLICATION APPROVED:

Mayor Jeff Brain opened a public hearing on a rezoning application from Mike Blommaert to rezone Lots 5 – 8, Block 2, and all of Block 3, North Hills Addition from a General Residence zoned district to a Commercial zoned district and asked if anyone present wished to speak. No comments were heard; therefore, the Mayor closed the public hearing. Motion was made by Council Member Gillingham, seconded by Council Member Spradling, to approve the rezoning application as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-004-08 INTRODUCED: Ordinance No. O-004-08 rezoning Lots 5-8, Block 2 and all of Block 3, North Hills Addition from a general residence zoned district to a commercial zoned district was submitted for the consideration of the Council. Council Member Gillingham asked individuals in the audience who live in the target neighborhood if they were satisfied with the proposed zoning. They answered that they were satisfied. Motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve the introduction of Ordinance No. O-004-08 on first reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-005-08 INTRODUCED: Larry Mullenix, Director of Planning and Zoning, submitted Ordinance No. O-005-08 on first reading adopting the Existing

Building Code, specifying amendments to the code and requested the Council set a public hearing for April 1, 2008 to allow for public comment. Following discussion, motion was made by Council Member Spradling, seconded by Council Member DeWeese, to introduce the ordinance and schedule a public hearing for 1:30 p.m., April 1, 2008 to allow for public comment. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: One operation facelift contract was submitted for consideration of demolition and cleanup of structure(s) located on the following property:

1. 400 E. 10th, Lots 1-32, Block 8, Original Addition

Following discussion, motion was made by Council Member Dickson, seconded by Council Member Spradling, to approve demolition of the structure as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATION FROM BUILDING STANDARDS COMMISSION APPROVED: After proper notice and hearings the Building Standards Commission submitted a letter to the Council recommending the demolition of the following properties:

- (a) 407 E. 11th, Lot 9, Block 3, Northside Addition
- (b) 1104 Mitchell, Lots 2-4, Block 5, Northside Addition
- (c) 408 Jackson, Lot 7, Block 24, Isom Addition

Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve demolition and cleanup of the recommended properties. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION NO. R-003-08 APPROVED: Bruce Lemery, Borger Police Department Lieutenant, submitted Resolution No. R-003-08 for the consideration of the Council. Lieutenant Lemery said the resolution pertains to a grant for the continuation of the school resource officer program at Borger High School. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve Resolution R-003-08. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

RESOLUTION NO. R-003-08

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AUTHORIZING THE SUBMISSION OF A FY 2009 GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) AND DESIGNATING THE BORGER POLICE CHIEF TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CJD GRANT PROGRAM.

WHEREAS, the City of Borger has participated in the development of a FY 2009 Community Plan which identified the priority needs, available resources and related gaps in service within the criminal justice infrastructure of the area served by the City of Borger; and

WHEREAS, the need to address juvenile crime was identified as a priority need within the Community Plan; and

WHEREAS, the City of Borger desires to address this need(s) by continuing to support a program known as the Borger High School Resource Officer program; and

WHEREAS, the City of Borger agrees to provide applicable matching funds for the said project as required by the CJD grant application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

1. That an FY 2009 CJD grant application is hereby authorized to be filed on behalf of the City of Borger with the Governor's Criminal Justice Division.
2. That the application be for funds to provide continued support for the Borger High School Resource Officer program being operated with the Borger Independent School District.

3. That the Borger City Council directs and designates the Borger Police Chief as the City of Borger's authorized official and that he be given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City of Borger.
4. That in the event of loss or misuse of CJD funds, the governing body assures that funds will be returned to CJD in full.

RESOLUTION NO. R-004-08 APPROVED: Bruce Lemery, Borger Police Department Lieutenant, submitted Resolution No. R-004-08 for the consideration of the Council. Lieutenant Lemery said the resolution pertains to a grant for the continuation of the school resource officer program at Borger Middle School. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve Resolution R-004-08. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

The resolution reads as follows:

RESOLUTION NO. R-004-08

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AUTHORIZING THE SUBMISSION OF A FY 2009 GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) AND DESIGNATING THE BORGER POLICE CHIEF TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CJD GRANT PROGRAM.

WHEREAS, the City of Borger has participated in the development of a FY 2009 Community Plan which identified the priority needs, available resources and related gaps in service within the criminal justice infrastructure of the area served by the City of Borger; and

WHEREAS, the need to address juvenile crime was identified as a priority need within the Community Plan; and

WHEREAS, the City of Borger desires to address this need(s) by continuing to support a program known as the Borger Middle School Resource Officer program; and

WHEREAS, the City of Borger agrees to provide applicable matching funds for the said project as required by the CJD grant application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

1. That an FY 2009 CJD grant application is hereby authorized to be filed on behalf of the City of Borger with the Governor's Criminal Justice Division.
2. That the application be for funds to provide continued support for the Borger Middle School Resource Officer program being operated with the Borger Independent School District.
3. That the Borger City Council directs and designates the Borger Police Chief as the City of Borger's authorized official and that he be given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City of Borger.
4. That in the event of loss or misuse of CJD funds, the governing body assures that funds will be returned to CJD in full.

SOUTHWESTERN PUBLIC SERVICE COMPANY'S STATEMENT OF INTENT AND APPLICATION TO REVISE ITS SECONDARY GENERAL SERVICE, LARGE MUNICIPAL SERVICE, AND LARGE SCHOOL SERVICE TARIFFS

DISCUSSED: Assistant City Manager Eddie Edwards discussed Southwestern Public Service Company's statement of intent and application to revise its secondary general service, large municipal service, and large school service tariffs with the City Council. Mr. Edwards said that the staff had only had a brief amount of time to review the document; however, he stated that the proposed changes to the three tariffs would not increase the rates of any customers that are currently subjected to these rate schedules. The Council has thirty-five days, or until April 2, 2008, to act upon the application. Staff recommends that no action be taken at this time.

QUESTIONS OR COMMENTS: Robert Vinyard asked where a new fire truck and trailer came from and how the city could afford this equipment. Assistant City Manager Eddie Edwards explained that the fire truck was a rental and that the trailer was purchased with funds donated by Garrett Spradling. No further questions were asked.

MEETING ADJOURNED: Motion was made by Council Member DeWeese, seconded by Council Member Dickson, to adjourn the meeting.

Mayor

ATTEST:

City Manager